

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EVERETT COX #235218,

Plaintiff,

File No. 2:08-CV-176

v.

HON. ROBERT HOLMES BELL

UNKNOWN FLUERY, et al.,

Defendants.

_____ /

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On August 3, 2009, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation ("R&R") recommending that Defendants' motions for summary judgment (Dkt. Nos. 51, 74) be granted, that Plaintiff's request for a transfer (Dkt. No. 81) be denied, and that this case be dismissed in its entirety. (Dkt. No. 88, R&R.) The R&R was duly served on the parties. Plaintiff was granted an extension of time to file objections. (Dkt. No. 92, 08/20/2009 Order.) Plaintiff filed objections to the report and recommendation on August 31, 2009. (Dkt. No. 93.)

This Court is required to make a *de novo* determination of those portions of the R&R to which objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff objects to the Magistrate Judge's conclusions by reasserting the same arguments he raised in response to Defendants' motions for summary judgment. Upon *de novo* review, the Court finds that each of the arguments raised in Plaintiff's objections has already been addressed in the R&R. Because the Court agrees with the analysis and the conclusions in the R&R, and because Plaintiff has raised no new issues that have not already been addressed in the R&R, the Court denies Plaintiff's objections for the reasons stated in the R&R. Accordingly,

IT IS HEREBY ORDERED that the August 3, 2009, R&R (Dkt. No. 88) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' motions for summary judgment (Dkt. Nos. 51, 74) are **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's request for a transfer (Dkt. No. 81) is **DENIED**.

IT IS FURTHER ORDERED that **JUDGMENT** is entered in favor of all Defendants and Plaintiff's complaint is **DISMISSED** in its entirety.

IT IS FURTHER CERTIFIED pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) that an appeal of this action would not be in good faith.

Dated: September 16, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE